

The 10th March, 1969

No. 1277-ASOIII-Lab-69/5880.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Globe Motors Workshop (P) Ltd., Faridabad :—

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 94 of 1968

between

Shri R. Chander Kumar workman and the management of M/s Globe Motors Workshop (P) Ltd., Faridabad

Present.—Shri Darshan Singh with Shri R. Chander Kumar workman concerned.
Shri G.R. Shah, for the management.

AWARD

Shri R. Chander Kumar was in the service of M/s Globe Motors Workshop (P) Ltd., Faridabad. His services were terminated and this gave rise to an industrial dispute. The Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication *vide* Government Gazette Notification No. ID/FD/129-C/68/26913, dated 25th October, 1968:—

Whether the termination of services of Shri R. Chander Kumar was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. It was pleaded by the management that the reference is *ultra vires* of the scheme of the Industrial Disputes Act, because there is no dispute between the workmen and the management of the respondent concern and the so-called dispute is only between an individual employee and the respondent concern so the reference should be dismissed on this account. It was further pleaded that Shri R. Chander Kumar was not a workman as defined in the Industrial Disputes Act. On merits it was pleaded that the claimant was employed as a Secretary to the Managing Director on 10th October, 1967. It was stated that his services were never terminated. On the contrary the claimant himself on 17th August, 1968 informed the Managing Director that he was not interested to continue in the service of the Company and wanted to be relieved immediately and although the company could require the claimant to give one month notice but to avoid any controversy, the Managing Director agreed to relieve the claimant within 3 days but the claimant started absenting himself from duty immediately after 17th August, 1968. It is denied that the claimant has been victimised.

A preliminary issue was framed to decide the objection as to whether the reference was *ultra vires* of the scheme of the Industrial Disputes Act, 1947 but Shri S.L. Gupta who represented the management made a statement on the date fixed for argument that he did not wish to press this preliminary objection. The following issues on merit were accordingly framed :

- (1) Whether the claimant Shri R. Chander was employed as a Secretary to the Managing Director and is not a workman ?
- (2) Whether the claimant informed the Managing Director on 17th August, 1968 that he was not interested to continue in the service of the respondent company and wanted to be relieved immediately and he started absenting himself immediately, and for this reason the termination of his services was justified and in order ?
- (3) If the above issue is not proved to what relief the claimant is entitled ?

The case was fixed for evidence on 19th February, 1969. On the date fixed Shri G.R. Shah, Establishment Incharge, appeared on behalf of the management and made an application for adjournment on the ground that the respondent Company is lying closed and the Managing Director is at Calcutta and for this reason it was not possible for the respondent to produce any evidence. It was not stated what was the urgent reason for which the Managing Director had to go to Calcutta and why no arrangement could be made for the further progress of the case or an application for adjournments made earlier. The application purports to bear the signatures of the Manager of the respondent Company who has not even cared to attend and give the necessary reasons. In my opinion there was no sufficient cause for adjournment. Since the representative of the management was not in a position to produce any evidence, the evidence of the workman was recorded. Shri R. Chander Kumar workman has appeared as his own witness in support of his case.

I have carefully gone through the evidence produced by the workman and my findings are as under :—

Issue No. 1.—The workman has stated that he was only appointed as a Stenographer on Rs 375 per month on 10th October, 1967 and an increment of Rs 25 was given to him after 1½-2 months. It is therefore clear that the claimant was appointed only to do the work of a Stenographer. He had no managerial or supervisory duty and therefore it cannot be said that he was not a workman as defined in the Industrial Disputes Act. It has been held in 1954-I-LLJ page 21 that even a Secretary engaged to do stenographical, clerical or sectorial work of a confidential nature is a workman as defined in clause (s) of section 2 of the Industrial Disputes Act, 1947. I, therefore, find this issue in favour of the workman.

Issue No. 2.—The claimant has also stated in his evidence that on 12th August, 1968 the management appointed one Shri R.P. Sharma as a Stenographer on some recommendation and called upon him to resign forthwith. The workman states that he refused to oblige the management and continued reporting for duty but from 19th August, 1968 onwards he was not permitted to enter the gate. Accordingly he had no option but to continue reporting for duty and send intimations to this effect to the management under registered cover protesting against the wrongful refusal of the management to provide him with work. The workman has produced the copies of the letters which he has been sending to the management under registered cover along with the postal receipts and acknowledgements. It is thus proved by the evidence of the workman that he never informed the Managing Director that he was not interested to continue in the service of the respondent company and wanted to be relieved immediately and so started absenting himself. On the contrary it is proved that the claimant was interested to continue in the service of the management and was continuously reporting for duty but he was not allowed to go into the office and so he was sending registered letters to the management intimating to them that their refusal to provide him with work was not justified. Under these circumstances it must be held that the termination of the services

of the claimant was not justified and in order and he is entitled to be reinstated. The claimant has also stated that he has been trying to find alternative work but he was not successful and he is unemployed. Under these circumstances the claimant is also entitled to full back wages.

Dated 20th February, 1969.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 500, dated 24th February, 1969.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 20th February, 1969.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 1279-ASOIII-Lab-69/5883.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Kelvenator of India Ltd; Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD.

Reference No. 101 of 1968

between

Shri Rajinder Nath Anand workman and the management of M/s Kelvenator of India Ltd; Faridabad.

Present—

Shri Krishan Lal, for the workman.

Shri Jaswant Singh, for the management.

AWARD

Shri Rajinder Nath Anand was in the service of M/s Kelvenator of India Ltd; Faridabad. His services were terminated and this gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—vide Government Gazette Notification No. ID/FD/57-68/29319, dated 20th November, 1968—

Whether the termination of services of Shri Rajinder Nath Anand was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman by Shri Roshan Lal Sharma, President of General Labour Union, and the management filed their written statement. On merits it was pleaded on behalf of the management that the workman had himself abandoned his service and his name has been struck off from the rolls in accordance with the provisions of the certified standing orders. On the date fixed for framing of the issues it was further stated on behalf of the management that the workman had since received all the amount due to him in full and final settlement. It was, therefore, ordered that the workman should appear in person in this Court on 30th January, 1969, so that his statement could be recorded on the question as to whether he had or had not received the amount said to have been paid to him. The representative of the workman was also ordered to file a replication. On the date fixed the representative of the workman neither filed his replication nor did the workman appear as directed. In the interest of justice another opportunity was given to the workman to appear in person in this Court and the case was adjourned to 19th February, 1969. On the date fixed neither Shri Roshan Lal Sharma, President of the General Labour Union, nor the workman appeared in Court. Shri Krishan Lal who is also an office-bearer of the General Labour Union appeared and made a statement that Shri Roshan Lal had to go on an urgent business to Gurgaon and for this reason he could not attend. As regards the workman he stated that the workman had come on the previous evening but Shri Roshan Lal sent him back on the ground that the statement of the workman should be recorded in his presence. In my opinion the representative of the workman could not on his own take any such decision and send back the workman in this manner. In my opinion there is no reasonable ground for the non-attendance of the workman. *Ex-parte* evidence of the management was, therefore, recorded. Shri N. Ahuja, Personnel Officer, has stated on behalf of the management that the workman Shri Rajinder Nath Anand absented himself from duty without obtaining leave and so his name was struck off in accordance with the provisions of the certified standing orders. He has further stated that the workman has since resigned his service and submitted his resignation Ex. M.1 and he has also received Rs. 354.17 paise in full and final settlement in his presence,—vide voucher Ex. M. 2 which bears his signatures. Shri Ahuja has also proved the details as to how this amount of Rs. 354.17 paise was worked out. It shows that the management agreed to pay Rs. 200 to the workman *ex-gratia* as a very special case. There is no reason to disbelieve the testimony of the Personnel Officer and in view of the fact that the workman had since resigned his post and received the amount due to him, he is not entitled to any further relief. The termination of his services was justified and in order. No order as to cost.

Dated 20th February, 1969.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 499. Dated the 24th February, 1969.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 20th February, 1969.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

The 12th March, 1969

No. 1218-ASOIII-Lab-69/5853.—In supersession of Haryana Government notification No. 9309-3-Lab-68/26715, dated the 25th October, 1968 and No. 11088-ASOIII-Lab-68/31581, dated the 23rd December, 1968 and in exercise of the powers conferred by sub-section (1) of section 8 of the Factories Act, 1948 (Act No. 63 of 1948) and all other powers enabling him in this behalf, the Governor of Haryana is pleased to appoint the following Officers of the Labour Department to be Inspectors for the purposes of the said Act within the local limits specified against each :—

Serial No.	Designation of the Officers	Local Limits
1	Deputy Labour Commissioner, Haryana	.. Whole of Haryana State
2	Deputy Chief Inspector of Factories	.. Whole of Haryana State
3	Medical Inspector of Factories	.. Whole of Haryana State
4	Labour Inspector (Headquarters)	.. Whole of Haryana State
5	Implementation Officer	.. Whole of Haryana State
6	Labour Officer-cum-Conciliation Officer, Gurgaon	.. Whole of Gurgaon District except tehsil Ballabgarh
7	Labour Officer-cum-Conciliation Officer, Faridabad	.. Ballabgarh tehsil of Gurgaon District
8	Labour Officer-cum-Conciliation Officer, Yamuna Nagar	.. Ambala District
9	Labour Officer-cum-Conciliation Officer, Karnal	.. Karnal and Jind Districts
10	Labour Officer-cum-Conciliation Officer, Sonapat	.. Rohtak District
11	Labour Officer-cum-Conciliation Officer, Bhiwani	.. Hissar and Mohindergarh Districts
12	Inspector of Factories, Ambala Cantt	.. Ambala District
13	Inspector of Factories, Rohtak	.. Rohtak and Karnal Districts
14	Inspector of Factories, Faridabad	.. Gurgaon District
15	Inspector of Factories, Bhiwani	.. Hissar Jind and Mohindergarh Districts
16	Labour Inspector, Yamuna Nagar	.. Jagadhri Tehsil of Ambala District
17	Labour Inspector, Ambala	.. Ambala Tehsil, Naraingarh Tehsil and part of Kharar Tehsil falling in Haryana
18	Labour Inspector, Karnal	.. Karnal District except Panipat Tehsil and Jind District
19	Labour Inspector, Gurgaon	.. Gurgaon District except Ballabgarh and Palwal Tehsils
20	Labour Inspector, Bhiwani	.. Mohindergarh District, Bhiwani Tehsil of Hissar District and Rohtak Tehsil of Rohtak District
21	Labour Inspector, Hissar	.. Hissar District (except Bhiwani Tehsil)
22	Labour Inspector, Sonapat	.. Rohtak District except Rohtak Tehsil and Panipat Tehsil of Karnal District
23	Labour Inspector, Faridabad Circle I	.. Old Faridabad (Local limits of Municipal Committee), Faridabad Township (local limits of Municipal Committee) excluding sides on the road leading from Auto Pins to Multiple Engineering Industries and all the factories on both sides of Mathura Road beginning from Holiday INN up to the end of the border of Ballabgarh Tehsil on the South
24	Labour Inspector, Faridabad Circle II	.. Whole of Palwal Tehsil and Ballabgarh Tehsil (excluding the area of Labour Inspector, Circle I)

R. I. N. AHOOJA, Secy.